

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETY-SEVENTH CONGRESS
OF THE UNITED STATES OF AMERICA

1982

AND

PROCLAMATIONS

VOLUME 96

IN TWO PARTS

PART 2

PUBLIC LAWS 97-302 THROUGH 97-473,
PRIVATE LAWS
CONCURRENT RESOLUTIONS AND PROCLAMATIONS



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON 1984

Public Law 97-394
97th Congress

An Act

Dec 30 1982
H. R. 7556

Interior
Department and
related agencies
appropriations
for fiscal year
1983

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR LAND AND
WATER RESOURCES

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management \$330,226,000.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$2,243,000, to remain available until expended

PAYMENTS IN LIEU OF TAXES

Ante p 577

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 1601) \$96,320,000, of which not to exceed \$400,000 shall be available for administrative expenses. *Provided*, That this appropriation may be used to correct underpayments in the previous fiscal year to achieve equity among all qualified recipients

LAND ACQUISITION

43 USC 1715
1748

For expenses necessary to carry out the provisions of sections 205 and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein. \$311,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That the unexpended balances of funds appropriated to the Bureau of Land Management in the Heritage Conservation and Recreation Service "Land and Water Conservation Fund" shall be merged with this appropriation

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product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

30 USC 1201
note

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, \$60,356,000, including the purchase of not to exceed 35 passenger motor vehicles for replacement only.

ABANDONED MINE RECLAMATION FUND

30 USC 1231

Ante p 1749

30 USC 1236

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 10 passenger motor vehicles for replacement only, to remain available until expended, \$161,209,000, to be derived from receipts of the Abandoned Mine Reclamation Fund: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 percent

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission) of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order and payment of rewards for information or evidence concerning violations of law on Indian reservation lands or treaty fishing rights tribal use areas, management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises, operation of Indian arts and crafts shops and museums, development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$843,508,000 of which \$9,350,000 shall be available until expended for transfer to the State of Alaska to assist in the basic operation and maintenance of Bureau-owned schools which are transferred to the State, such sum to be in addition to assistance otherwise available under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq) or any other Act to

such schools or not to exceed assistance to p 596), as amend obligation until tribes and trib Indian Self-De Stat 2203, 25 U ber 30, 1984 P to programs d includes exper 19(a) of Public expended. *Pro* expended as 103(a)(1)(B)(iii) (20 USC 230 95-40) *Provid* section 6 of sa Indian Educat funds appropri ending Septer school district students (1) w school district districts, and (the purpose of addition, mon from other I elementary an gual education this account a

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such schools on the same basis as other public schools, and of which not to exceed \$55,278,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1984, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat 2203, 25 U.S.C. 450 et seq.) shall remain available until September 30, 1984: *Provided*, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531, \$3,899,000, to remain available until expended. *Provided further*, That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B)(iii)) by the Act of June 3, 1977 (Public Law 95-40). *Provided further*, That notwithstanding the provisions of section 6 of said Act of April 16, 1934, as added by section 202 of the Indian Education Assistance Act (88 Stat. 2213, 2214, 25 U.S.C. 457) funds appropriated pursuant to this or any other Act for fiscal years ending September 30 of 1982 and 1983 may be utilized to reimburse school districts for up to the full per capita cost of educating Indian students (1) who are normally residents of the State in which such school districts are located but do not normally reside in such districts, and (2) who are residing in Federal boarding facilities for the purpose of attending public schools within such districts, in addition, moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into this account and remain available as otherwise provided by law

25 USC 610d 18

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, buildings, utilities, and other facilities, acquisition of lands and interests in lands; preparation of lands for farming, and architectural and engineering services by contract, \$67,250,000, to remain available until expended. *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation

ROAD CONSTRUCTION

For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, the Act of November 2, 1921 (42 Stat 208, 25 U.S.C. 13), and the Act of May 26, 1928 (45 Stat 750, 25 U.S.C. 318a), \$43,585,000, to remain available until expended

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed \$3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees, care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in

advance or from date of admission), purchase of land improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased, lease of lands and water rights, compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts, pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government, relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat 391), including cash grants *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary

18 USC 4121
note

REVOLVING FUND FOR LOANS

During fiscal year 1983, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$19,970,000.

INDIAN LOAN GUARANTY AND INSURANCE FUND

During fiscal year 1983, and within the resources and authority available, total commitments to guarantee loans may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed \$15,800,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed 258 passenger carrying motor vehicles of which 178 shall be for replacement only, which may be used for the transportation of Indians, advance payments for services (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 USC 452), the Act of August 3, 1956 (25 USC 309), and legislation terminating Federal supervision over certain Indian tribes, and expenses required by continuing or permanent treaty provisions. *Provided*, That no part of any appropriations to the Bureau of Indian Affairs shall be available to continue academic and residential programs of the Chilocco, Seneca, and Fort Sill boarding schools, Oklahoma, and Stewart boarding school, Nevada. *Provided further*, That no part of any appropriation to the Bureau of Indian Affairs shall be available to continue academic and residential programs at Mount Edgecumbe boarding school in Alaska after June 30, 1983. *Provided further*, That no part of any appropriation to the Bureau of Indian Affairs shall be used to subject the transportation of school children to any limitation on travel or transportation expenditures for Federal employees. *Provided further*, That notwithstanding any other provision of law: The following may be cited as the "Indian Claims Limitation Act of 1982".

SEC. 2. (a) Subsection (a) of section 2415 of title 28, United States Code, is amended by striking "after December 31, 1982" in the third

proviso and in of publication Act of 1982. P two lists publ. right of action one year after Federal Register after the date of legislative re

(b) Subsection amended by striking in lieu the of the list required. *Provided*, That published purchase action shall be year after the Register a no Secretary of report to Congress

SEC. 3. (a) The Secretary of the shall publish any tribe, by July 18, 1966, ted to the Secretary undertaken in the provision section 2415 Secretary shall matter which no legal merit

(b) Such list tion, tribe-by-state the national other additional such clause

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SEC. 4. (a) Indian shall publication in 3 of this Act or claims with Indian believe States Code, tion by the United

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Indian Claims
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proviso and inserting in lieu the following: "sixty days after the date of publication of the list required by section 4(c) of the Indian Claims Act of 1982: *Provided*, That, for those claims that are on either of the two lists published pursuant to the Indian Claims Act of 1982, any right of action shall be barred unless the complaint is filed within (1) one year after the Secretary of the Interior has published in the Federal Register a notice rejecting such claim or (2) three years after the date the Secretary of the Interior has submitted legislation or legislative report to Congress to resolve such claim".

(b) Subsection (b) of section 2415 of title 28, United States Code, is amended by striking "December 31, 1982" in the proviso and inserting in lieu the following: "sixty days after the date of the publication of the list required by section 4(c) of the Indian Claims Act of 1982. *Provided*, That, for those claims that are on either of the two lists published pursuant to the Indian Claims Act of 1982, any right of action shall be barred unless the complaint is filed within (1) one year after the Secretary of the Interior has published in the Federal Register a notice rejecting such claim or (2) three years after the Secretary of the Interior has submitted legislation or legislative report to Congress to resolve such claim"

SEC. 3. (a) Within ninety days after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall publish in the Federal Register a list of all claims accruing to any tribe, band or group of Indians or individual Indian on or before July 18, 1966, which have at any time been identified by or submitted to the Secretary under the "Statute of Limitation Project" undertaken by the Department of the Interior and which, but for the provisions of this Act, would be barred by the provisions of section 2415 of title 28, United States Code: *Provided*, That the Secretary shall have the discretion to exclude from such list any matter which was erroneously identified as a claim and which has no legal merit whatsoever.

(b) Such list shall group the claims on a reservation-by-reservation, tribe-by-tribe, or State-by-State basis, as appropriate, and shall state the nature and geographic location of each claim and only such other additional information as may be needed to identify specifically such claims.

(c) Within thirty days after the publication of this list, the Secretary shall provide a copy of the Indian Claims Limitation Act of 1982 and a copy of the Federal Register containing this list, or such parts as may be pertinent, to each Indian tribe, band or group whose rights or the rights of whose members could be affected by the provisions of section 2415 of title 28, United States Code.

SEC. 4. (a) Any tribe, band or group of Indians or any individual Indian shall have one hundred and eighty days after the date of the publication in the Federal Register of the list provided for in section 3 of this Act to submit to the Secretary any additional specific claim or claims which such tribe, band or group of Indians or individual Indian believes may be affected by section 2415 of title 28, United States Code, and desires to have considered for litigation or legislation by the United States.

(b) Any such claim submitted to the Secretary shall be accompanied by a statement identifying the nature of the claim, the date when the right of action allegedly accrued, the names of the potential plaintiffs and defendants, if known, and such other information needed to identify and evaluate such claim

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(c) Not more than thirty days after the expiration of the one hundred and eighty day period provided for in subsection (a) of this section, the Secretary shall publish in the Federal Register a list containing the additional claims submitted during such period. *Provided*, That the Secretary shall have the discretion to exclude from such list any matter which has not been sufficiently identified as a claim.

SEC. 5. (a) Any right of action shall be barred sixty days after the date of the publication of the list required by section 4(c) of this Act for those pre-1966 claims which, but for the provisions of this Act, would have been barred by section 2415 of title 28, United States Code, unless such claims are included on either of the lists required by section 3 or 4(c) of this Act

(b) If the Secretary decides to reject for litigation any of the claims or groups or categories of claims contained on either of the lists required by section 3 or 4(c) of this Act, he shall send a report to the appropriate tribe, band, or group of Indians, whose rights or the rights of whose members could be affected by such rejection, advising them of his decision. The report shall identify the nature and geographic location of each rejected claim and the name of the potential plaintiffs and defendants if they are known or can be reasonably ascertained and shall, briefly, state the reasons why such claim or claims were rejected for litigation. Where the Secretary knows or can reasonably ascertain the identity of any of the potential individual Indian plaintiffs and their present addresses, he shall provide them with written notice of such rejection. Upon the request of any Indian claimant, the Secretary shall, without undue delay, provide to such claimant any nonprivileged research materials or evidence gathered by the United States in the documentation of such claim.

(c) The Secretary, as soon as possible after providing the report required by subsection (b) of this section, shall publish a notice in the Federal Register identifying the claims covered in such report. With respect to any claim covered by such report, any right of action shall be barred unless the complaint is filed within one year after the date of publication in the Federal Register.

SEC. 6. (a) If the Secretary determines that any claim or claims contained in either of the lists as provided in sections 3 or 4(c) of this Act is not appropriate for litigation, but determines that such claims may be appropriately resolved by legislation, he shall submit to the Congress legislation to resolve such claims or shall submit to Congress a report setting out options for legislative resolution of such claims.

(b) Any right of action on claims covered by such legislation or report shall be barred unless the complaint is filed within 3 years after the date of submission of such legislation or legislative report to Congress.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories under the jurisdiction of the Department of the Interior, \$73,892,000, of which (1) not to exceed \$72,011,000 shall be available until expended for technical assistance and grants to the judiciary in American Samoa for compensation and expenses, as authorized by

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